IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 10TH OCTOBER 2006 / 18TH ASWINA 1928

MFA.No. 222 of 2003(E)

OPMV.524/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TRIVANDRUM

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APPELLANT/CLAIMANT:

KANAKAMMA W/O. V.GOPICHETTIAR,
LEKSHMIVILAKAM VEEDU, T.C.29/221,
THENGAPPURA LANE, PETTAH P.O.,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.BIJU KURIAKOSE

RESPONDENTS/RESPONDENTS:

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1. ANILKUMAR S/O. SUKUMARA PILLAI,
P.V.HOUSE, NEAR BALARAMAPURAM JUNCTION,
THALAYIL DESOM, ATHIYANOOR VILLAGE.

2. THE ORIENTAL INSURANCE CO.LTD.,
BRANCH OFFICE, PADMASREE, NEAR BUS STAND,
NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.

R2 BY ADV. SRI.ANCHAL C.VIJAYAN

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 10/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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M.F.A.222 of 2003 & C.M.P.958 of 2003

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Dated this the 10th day of October, 2006.

JUDGMENT

This appeal arises from a motor accident claim case. The case was taken up for settlement on 30-7-1998 in the Adalath. The claimant-appellant and her counsel were absent. The case was listed on the next day and by the impugned award, it was noticed that the claimant was absent and the matter was finally disposed of relying on the wound certificate which was already produced. The appeal is filed contending that there was no opportunity to produce further evidence, nor have the matter decided on merits. It is specifically urged that the claimant was an in-patient for about seven days and various other grounds ought to have been considered by the Tribunal. Under such circumstances, while affirming the award of Rs.5,000/-, the matter is remitted for reconsideration and decision as to whether the claimant-appellant is entitled to any further amount towards compensation. To have the same done,

the application to condone the delay, which has been explained satisfactorily, and the appeal, are allowed. The parties are directed to appear before the Tribunal on the 14th of November, 2006.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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MFA.222 of 2003 & CMP.958 of 2003

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JUDGMENT

Dated: 10th October, 2006.